

REMARKS

Claim Rejections

Claims 34, 38, 39 and 40

The examiner rejected claims 34, 38, 39 and 40 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 2,123,275 to Dym. Claims 34 and 38 are independent claims with claims 39 and 40 depending from claim 38.

Applicant does not agree with the examiner's conclusions, and in particular the examiner's stated "**feeling**" that material of Dym is capable of being reshaped and reformed by hand.

Applicant has carefully read Dym and has found no such disclosure. Instead, Dym teaches the formation of a rigid protective headgear, and almost by definition, protective headgear would need to be rigid and not subject to reshaping and reformation to provide protection. This reading is fully supported by the disclosure in Dym:

"the rib fabric provides a structure which is more resistant to mechanical shock"

"A variety of moldable plastics are known which are suitable for use in the practice of this invention"

"Most suitably, however, the headgear is made from moldable plastics of the type comprising organic condensation products, commonly termed synthetic resins, or resinoids. The materials are initially plastic and moldable, but after being subjected to heat and pressure

they become very hard, infusible, electrically non-conducting, . . ."

"In the preferred practice of the invention the blank is impregnated with plastic . . . Thus there is produced a crown of molded plastic reinforced interiorly by a reinforcing element.

There is no disclosure in Dym that could be construed to support the examiner's feeling. That is, there is nothing that describes or teaches protective headgear capable of capable of being reshaped and reformed by hand. It is improper for the examiner to reject these claim based on feeling of what is disclosed in the referenced. There must be a specific cite in the reference disclosing the element. Applicant respectfully submits that there is no such disclosure in this case.

Applicant submits that Claims 34, 38, 39 and 40 are in condition for allowance.

Claims 36-37

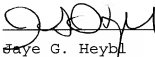
The examiner rejected claim 36 and 37 under 35 U.S.C. § 103(a) as being unpatentable of Dym in view of U.S. Patent No. 985,488 to Wright. Applicant respectfully submits that that these claims are allowable as depending from allowable claim 34.

Appl. No. 09/941,525
Amdt. Dated March 21, 2008
Reply to Office Action of September 21, 2007

Claims 34, 36-40 are now in a condition for allowance.
Applicants respectfully request that a timely Notice of
allowance be issued in this case.

Respectfully submitted,

March 21, 2008



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